

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** Jessie Darios RIOS

**Docket Numbers:** 1:00CR05322-03  
1:01CR05281-01

**Offender Address:** Fremont, California

**Judicial Officer:** Honorable Anthony W. Ishii  
Senior United States District Judge  
Fresno, California

**Original Sentence Date:** 10/29/2001

**Original Offense:** **1:00CR05322-03:** 18 USC 2113(a) and (b) and 2 - Armed Bank Robbery and Aiding and Abetting (Class B Felony)  
**1:01CR05281-01:** 18 USC 2113(a) and (b) - Armed Bank Robbery (Class B Felony)

**Original Sentence:** 155 months custody on each case to be served concurrently; 60 months supervised release; \$200 special assessment; \$192,562.00 restitution

**Special Conditions:** Search; Financial disclosure; Drug/alcohol treatment and testing; Abstain from alcohol; Mental health treatment

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 12/9/2011

**Assistant U.S. Attorney:** Richard Cutler **Telephone:** (559) 497-4000

**Defense Attorney:** Daniel L. Harralson **Telephone:** (559) 486-4560

**RE: Jessie Darios RIOS**  
**Docket Number: 1:00CR05322-03 and 1:01CR05281-01**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
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**Other Court Action:**

**7/17/2013:** Case reassigned to the Honorable Anthony W. Ishii.

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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

7. The defendant shall complete 40 hours of unpaid community service as directed by the probation officer. The defendant shall pay fees attendant to participation and placement in this program on a sliding scale as determined by the program. Community service shall be completed by December 31, 2013.

**Justification:** On December 9, 2011, Jessie D. Rios was released from the Bureau of Prisons. He released to the Sacramento area and later relocated to Tracy, California. Mr. Rios was able to secure and maintain consistent employment since his release. He is currently working in Fremont, California, with a local carpenter's union and is earning a consistent monthly wage. Mr. Rios is making payments towards restitution; however, the amount is minimal and inconsistent. Since his release, Mr. Rios successfully completed six months of drug/alcohol treatment.

On May 27, 2013, Mr. Rios was arrested and charged with a violation of California Vehicle Code Section 23152 - Driving Under the Influence, in violation of the standard condition that he obey all laws and the special condition that he abstain from alcohol. Mr. Rios reported the matter to the probation office and advised that the case is set to appear in Alameda County Superior Court, Fremont Division, on August 12, 2013. At that time, Mr. Rios expects to enter a guilty plea with sentencing to follow.

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On June 18, 2013, and again on July 10, 2013, Mr. Rios reported as directed to the Probation Office. On both dates, he acknowledged having a lapse in judgment and admitted consuming alcohol. Mr. Rios agreed to modify the terms as discussed with the Probation Officer to address his violation conduct.

Mr. Rios has submitted monthly reports on an inconsistent basis and he has also been inconsistent in making restitution payments. However, these violations are technical in nature and the Probation Officer believes Mr. Rios will resume compliance with respect to these violations.

The Probation Officer is very concerned about Mr. Rios' admitted alcohol consumption and recent DUI, which represents his second DUI arrest, the first occurring in 1998 when he was 20 years old. However, Mr. Rios otherwise presents as stable in that he has maintained consistent employment. The Probation Officer has admonished the offender for his behavior, and it is anticipated that with increased supervision services, Mr. Rios will resume full compliance. If, however, Mr. Rios continues in violation conduct, a hearing will be requested for further Court action.

Respectfully submitted,

/s/ Laura Weigel

**Laura Weigel**  
**United States Probation Officer**  
Telephone: (209) 549-2817

**DATED:**        July 26, 2013  
                     Modesto, California  
                     LMW/lr

**REVIEWED BY:**    /s/ Jack C. Roberson  
**Jack C. Roberson**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

- ( **X** )    Modification approved as recommended.
- (   )    Modification not approved at this time. Probation Officer to contact Court.
- (   )    Other:

IT IS SO ORDERED.

Dated: July 26, 2013



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SENIOR DISTRICT JUDGE